

Advance unedited version

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Ninetieth session
2 - 26 August 2016

Statement on the occasion of the United Nations Summit on Refugees and Migrants

The Committee on the Elimination of Racial Discrimination, meeting in Geneva at its ninetieth session from 2 to 26 August 2016;

Welcoming the decision taken by the United Nations General Assembly to convene a high-level meeting of the plenary of the General Assembly on addressing large movements of refugees and migrants (“United Nations Summit on Refugees and Migrants”), on 19 September 2016;

Welcoming the Secretary-General’s report on large movements of refugees and migrants submitted to the General Assembly (A/70/59) and the decision to initiate a global campaign led by the United Nations to counter xenophobia;

Recalling that discrimination faced by asylum-seekers, refugees and migrants, including women and children, have been an ongoing matter of concern to the Committee, as reflected *inter alia* in its country-specific concluding observations, General Recommendation No. 30 (2004) on discrimination against non-citizens, and decisions, statements and letters adopted under the Early Warning and Urgent Action Procedure, in particular the 2015 statement on the current migration crises¹;

Noting that asylum-seekers, refugees and migrants may already have been victims of human rights violations in their countries of origin;

Deeply concerned at the ever more precarious journeys being taken by asylum-seekers, refugees and migrants in search of safety and dignity resulting in unnecessary deaths and suffering;

Alarmed by the toxic, discriminatory, racist and xenophobic narrative that is taking hold in many parts of the world based on fear and the manipulation of that fear by politicians and the media;

On the occasion of the United Nations Summit on Refugees and Migrants, and in the context of the processes leading up to the adoption of a Comprehensive Refugee Response Framework and a Global Compact for Safe, Orderly and Regular Migration,

1. Appeals to all Member States and international inter-governmental organizations to ensure that solutions aimed at addressing large movements of refugees and migrants are grounded in and guided by existing international human rights norms and standards, in particular the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Committee’s General Recommendation No. 30 (2004) on discrimination against non-citizens, and the Set of Principles and Practical Guidance on the Protection of Human Rights in Large and/or Mixed Movements developed by the United Nations Office of the High Commissioner for Human Rights;
2. Acknowledges the commitment made by States to combat all forms of racial discrimination by ratifying ICERD and reminds States of their responsibilities as parties to ICERD, as elaborated in General Recommendation No. 30 (2004) on discrimination against non-citizens, to:

¹ <http://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Statements/RecentMigrantCrises.pdf>

- (a) Ensure that immigration policies do not have the effect of discriminating against persons on the grounds of race, colour, descent or national or ethnic origin;
 - (b) Take concrete steps to address xenophobic attitudes and behaviour towards non-citizens, in particular racist hate speech, violence and hate crimes, including by promptly investigating allegations and, where appropriate, prosecuting and punishing the perpetrators with sanctions commensurate with the gravity of the offence;
 - (c) Ensure that non-citizens enjoy equal protection and recognition before the law, including access to effective legal remedies and the right of victims to seek just and adequate reparation for any damage suffered as a result of discriminatory behaviour;
 - (d) Take resolute action to counter any tendency to target, stigmatize, stereotype or profile, on the grounds of race, colour, descent, and national or ethnic origin, members of “non-citizen” population groups, especially by politicians, public officials, educators and the media, including on the Internet and in society at large;
 - (e) Combat ill-treatment of and discrimination against non-citizens by police and other law enforcement agencies and civil servants by strictly applying relevant legislation and regulations providing for sanctions and by ensuring that all officials dealing with non-citizens receive special training, including training in human rights;
 - (f) Ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment;
 - (g) Remove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of education, housing, employment and health;
3. Emphasizes the importance of considering asylum-seekers, refugees and migrants first and foremost as human beings endowed with fundamental rights who also make positive and essential contributions in societies and communities when their rights are protected, and that the adoption of measures based on principles of non-discrimination, equality and justice are essential in creating stable and peaceful societies that will reap positive results for humanity as a whole.

*2485th meeting
26 August 2016*